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| APPLICATION NO      | . ]  | FILING DATE | FIRST NAMED INVENTOR         | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |  |
|---------------------|------|-------------|------------------------------|-------------------------|------------------|--|
| 09/777,460          |      | 02/08/2001  | Marcus J.H. Willems van Dijk | P 277120 P-172.010-US   | 3244             |  |
| 909                 | 7590 | 10/03/2005  |                              | EXAMINER                |                  |  |
|                     |      | NTHROP SHAW | BALI, VIKKRAM                |                         |                  |  |
| P.O. BOX<br>MCLEAN, |      |             |                              | ART UNIT                | PAPER NUMBER     |  |
|                     |      |             |                              | 2623                    |                  |  |
|                     |      |             |                              | DATE MAILED: 10/03/2005 |                  |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| -   |  | Application No.  | Applicant(s)  |  |  |  |  |
|---|--|--|---|--|--|--|--|
|   |  | 09/777,460   | WILLEMS VAN DIJK ET AL.   |  |  |  |  |
|   | Office Action Summary  | Examiner   | Art Unit  |  |  |  |  |
|   |  | Vikkram Bali   | 2623  |  |  |  |  |
|   | The MAILING DATE of this communication appears on the cover sheet with the correspondence address<br>Period for Reply  |  |   |  |  |  |  |
| A SH<br>WHIC<br>- Exter<br>after<br>- If NO<br>- Failu<br>Any r   | ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b). | ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONED | l. ely filed the mailing date of this communication. C (35 U.S.C. § 133). |  |  |  |  |
| Status  |  |  |   |  |  |  |  |
| -   | Responsive to communication(s) filed on <u>06 Ju</u> This action is <b>FINAL</b> . 2b) This Since this application is in condition for allowar closed in accordance with the practice under E  | action is non-final.<br>nce except for formal matters, pro   |   |  |  |  |  |
| Dispositi   | on of Claims   |  |   |  |  |  |  |
| 5)□<br>6)⊠<br>7)□   | 4)  Claim(s) 1-13 is/are pending in the application.  4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) 1-11 is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) are subject to restriction and/or election requirement.   |  |   |  |  |  |  |
| Applicati   | on Papers  |  |   |  |  |  |  |
| 10)   | The specification is objected to by the Examine The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex   | epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj  | e 37 CFR 1.85(a).<br>ected to. See 37 CFR 1.121(d).                       |  |  |  |  |
| Priority ι  | ınder 35 U.S.C. § 119  |  |   |  |  |  |  |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received. |  |  |   |  |  |  |  |
| 2) Notice 3) Inform   | t(s) se of References Cited (PTO-892) se of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date  | 4)  Interview Summary Paper No(s)/Mail Da 5)  Notice of Informal P 6)  Other:  |   |  |  |  |  |

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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over van den Brink (US 4778275), (herein after 275) in view of JP 6-302495, Shigeo (herein after Shigeo).

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With respect to the claims 1-11 the rejections are respectfully maintained and incorporated herein by reference as set forth in the prior office action dated 1/21/2005.

## Response to Arguments

Applicant's arguments filed 6/6/2005 have been fully considered but they are not 4. persuasive. Applicant argues that the reference fails to disclose "measure a displacement ... move the object and a first object table", as claimed in claims 1 and 11. examiner disagrees, the limitation of "measure a displacement ... move the object and a first object table", is taught by the reference '275 in col. 8, lines 55-64. also, applicant argues that the reference fails to disclose or suggest moving the mask and the mask table relative to each other. The examiner would like to point out that the limitation moving the mask and the mask table relative to each other, is not claimed in any claims. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, reference '275 discloses object place on first position, measuring a displacement, removing the object, moving the object and the table relative to one another and placing the object at the

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required position, (see col. 7, lines 24-40, the mask "object" is at the first position and the system AS1 aligns the mask by positioning the mask at the required position, see col. 7 line 64 through col. 8 line 5), as claimed. And, reference Shigeo teaches removing the object from the first object table, (see the constitution the reticle 12 is taken out "remove" and the stage is turned) as claimed. It would have been obvious to one ordinary skilled in the art at the time of invention to combine the two references as they are analogous because they are solving the similar problem of lithography. The object removing system of the Shigeo can be place in to the 275, in order to accurately align the reticle at a high speed.

#### Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 571.272.7415. The examiner can normally be reached on 7:00 AM - 3:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571.272.7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vb September 29, 2005